

Exhibit A

COPY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

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DANIEL BELTEMPO and FRANCINE BELTEMPO,

Plaintiffs,

-against-

DANA'S PRO TRUCKING, INC., TRAILMOBILE
CORPORATION, TRAILMOBILE PARTS &
SERVICE CORPORATION, THERMO KING
CORPORATION, INGERSOLL-RAND COMPANY
LIMITED, THERMO KING CORPORATION, a
Unit of INGERSOLL-RAND COMPANY LIMITED
and JILCO EQUIPMENT LEASING CO., INC.,

Defendants.

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DANA'S PRO TRUCKING, INC.,

Third-Party Plaintiff,

-against-

PAMJAM, INC. and JILCO EQUIPMENT LEASING CO.,

Third-Party Defendants.

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Thursday,

October 4, 2007

10:15 a.m.

EXAMINATION BEFORE TRIAL of the
Third-Party Defendant, PAMJAM, INC., by and
through its Witness, JAMES SLAUGHTER, taken
pursuant to Court Order, held at the
offices of Rockland & Orange Reporting,
198 Main Street, Goshen, , New York, on
the above date and time and before a Notary
Public within and for the State of New York.

Rockland & Orange Reporting
20 South Main Street
New City, New York 10956
(845) 634-4200

1 James Slaughter

2 them?

3 A. Since November of last year, of '06.

4 Q. And what is your present title or
5 position?

6 A. Equipment Superintendent.

7 Q. And what do you do as Equipment
8 Superintendent?

9 A. I oversee the Clinton Point location,
10 mobile equipment, the maintenance and so forth.

11 Q. You told me that the business of Tilcon
12 New York is rock quarry.

13 A. That's right.

14 Q. And by that you mean? Just so I
15 understand.

16 A. It's a rock quarry. We make stone. We
17 take big rocks and make them into small rocks.

18 Q. Like for countertops and things like
19 that?

20 A. No. Like for roadways, for cement, for
21 aggregate.

22 MR. LEONARD: Item 4.

23 A. Item 4. Your driveway before they pave
24 it.

25 Q. And prior to working for Tilcon, by whom

James Slaughter

were you employed?

A. I was with PamJam, Inc.

Q. And what was your title or position with PamJam?

A. I was general manager.

Q. And for how long were you employed with PamJam?

A. Since 2001, since May of 2001.

Q. Did you have an ownership interest in PamJam?

A. Yes.

Q. What was your ownership interest?

A. Myself, my stepfather, my mother. So a third.

Q. PamJam is a New York State corporation?

A. Yes.

Q. And were you president? Vice president?

A. Secretary.

Q. Is PamJam still a New York State corporation?

A. PamJam is.

Q. Is it still in business?

A. No.

Q. When did it cease doing business?

James Slaughter

A. I'm trying to think of the date. I would say April of '05 it ceased in trucking. May of '06 it ceased in -- I had a motorcycle shop which we ran through PamJam.

Q. My next question is what was the business of PamJam?

A. PamJam was a trucking company from '01 to '05.

Q. And from '05 to '06, it was the motorcycle --

A. It was the motorcycle company.

Q. Was the trucking company and the motorcycle shop located at the same location?

A. No.

Q. Where was the trucking company located?

A. That was at 57 Plains Road.

Q. In what town?

A. That would be in Walden, New York.

Q. And the motorcycle shop was located where?

A. That was in Wallkill. That was 12 -- I forgot the address. 1208 -- it was on Route 208 in Wallkill.

Q. That's fine. And why did the company

James Slaughter

cease its trucking business in April of '05?

A. The company by the name of East West Fresh Farms was our sole company we pulled for, we worked for. They chose to move out of our area and move out to Harrisburg in November of '04. We tried to keep the trucking company going and by April, well, before April but by April we just -- it just wasn't happening. We didn't have any solid contracts, so I chose to do something different on my own.

Q. Did PamJam own any trucks during the time that it was in the trucking business?

A. Yes.

Q. Do you know the make and model of the trucks?

A. 1995 Kenworth W900. That would be the truck in this particular instance. A 1998 Freightliner FLD 120. We owned a trailer which I don't remember which one it was. In fact, I think Steve owns it now from Dana's Pro Trucking. We owned two box trucks, a 1990 Ford, which we still have, and a 1991 GMC, which we still have.

Q. The Ford and the GMC that you still have, are they both still under the PamJam name?

A. No.

James Slaughter

A. No.

Q. -- which was a 1995 Kenworth W90?

A. No.

Q. Is there such a vehicle as a Kenworth
W90?

A. No.

Q. So there's only a Kenworth W900, to your
knowledge?

A. That's right, that's right.

Q. And with regards to those last two
questions, I didn't mean whether you owned them or
not, but whether they were ever made or in existence.

A. I understand.

Q. You understood that to be that, correct?

A. Yes, yes.

Q. Daniel Beltempo, was he your employee
back in January of 2005?

A. Yes.

Q. When was he hired, approximately, if you
don't know the exact time?

A. I'm going to say October, September of
the prior year.

Q. Of 2004?

A. Of '04.

James Slaughter

Q. From the time that you hired Mr. Beltempo up until the time that the accident occurred in January of 2005, did he continuously work for you during that time?

A. Yeah. I would say while we had the contract with East West Fresh Farms, most of our employees worked with us fairly full-time.

Q. From the time that you hired Mr. Beltempo through January of 2005, approximately how many truck drivers were in the employ of PamJam?

A. I'm going to go out on a wing and say six, seven.

Q. And you would cover from Albany down to the Bronx or would you go --

A. No. We would go south. We would go to Philly, we could go as far East as Boston.

Q. And what type of merchandise were you hauling?

A. We were hauling -- at the beginning with East West it was lettuce. And then after East West, it would be potatoes, onions, and apples.

Q. Did you have to train Mr. Beltempo for any use of the equipment from the time that he first started working for PamJam up until the time of the

1 James Slaughter

2 A. I don't remember if it was Dan or if it
3 was Pedro prior.

4 Q. Was there a particular orchard or a
5 particular location that you had hauled apples from?

6 A. Um-hum.

7 Q. Who was that? And again I'm talking
8 about previously.

9 A. I don't remember their name for that
10 place.

11 Q. If I mention the name Chazy Orchards,
12 would that ring a bell?

13 A. It could be. I know it was in Chazy.

14 Q. And how did PamJam come about to use the
15 trailer owned by Dana's Pro Trucking with respect to
16 the January 2005 incident?

17 A. Either that morning, or the night
18 before, Steve called me. He was in a pinch. He
19 needed a 53 foot trailer, as he had in the past. And
20 he asked if he could take that trailer. At the time,
21 I didn't have a load going out for it so I let Steve
22 use the trailer.

23 Steve's guy came to pick up the trailer.
24 He had the Thermo King trailer from this instance
25 behind his truck, had dropped it at our farm, and took

1 James Slaughter

2 the 53 foot trailer.

3 We received a call for the load. And
4 another driver was out with our other trailer. He was
5 too far out to wait for. So Steve said we'd like to
6 use that trailer to do it, then go for it. So we used
7 it.

8 Q. If you recall, did Steve request the use
9 of your 53 foot trailer before you got the call to
10 pick up the apples?

11 A. Yes. Had I known that we were going to
12 go pick up apples, I would have kept our 53 foot
13 trailer. And not because of this. The reason being
14 is that we could have left earlier with the trucks
15 hooked up rather than having to hook up and go.

16 Q. Did Mr. Beltempo receive instructions on
17 how to use the Thermo King trailer that was owned by
18 Dana's Pro Trucking to go pick up the apples up in
19 Chazy, New York?

20 A. Yeah.

21 Q. When was he shown for the first time how
22 to operate that trailer and the reefer system?

23 A. Well, the trailer and the reefer system
24 itself was similar to ours as far as the switches you
25 flip on and your auto settings. So we didn't take him